

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: TFT-LCD (FLAT PANEL)
ANTITRUST LITIGATION

M07-1827 SI (N.D. Calif.)

MDL No. 1827

FMS
[SECOND REvised PROPOSED]
ORDER ON THE MOTIONS RELATING
TO THE INDIRECT PURCHASER
PLAINTIFFS' SUBPOENAS SEEKING
DOCUMENTS FROM FUNAI
CORPORATION

This Document Relates to:

ALL INDIRECT PURCHASER ACTIONS

THIS MATTER COMING TO BE HEARD on

- Motion of Non-Party Funai Corporation, Inc. to Intervene for the Purpose of Modifying the Stipulated Protective Order and to Modify and Enhance the Stipulated Protective Order (“Funai’s Motion”); and
- The Indirect Purchaser Plaintiffs’ Motion To Enforce Two Subpoenas Seeking Documents From Funai Corporation (“Motion to Enforce”),

Due notice having been given, the Court being fully advised in the premises, and the Court having received a copy of the Undertaking Letter from Counsel for the Indirect Purchaser Plaintiffs (a copy of which is attached hereto), it is hereby ORDERED AS FOLLOWS:

1. Funai's Motion is GRANTED IN PART AND DENIED IN PART, as follows:
 - a. Funai is GRANTED leave to intervene for the purposes set forth in its Motion;
 - b. Funai's request for changes to the Stipulated Protective Order is DENIED;

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2. The Indirect Purchaser Plaintiffs' Motion to Enforce is GRANTED as follows:

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a. For all purposes, Funai Corporation may designate items for protection
4 under the Stipulated Protective Order (dated December 7, 2007), and Funai
5 Corporation shall be bound by, and protected by, that Stipulated Protective
6 Order;

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b. Within seven days of the date of this Order, Funai Corporation shall produce
8 all responsive materials requested by:

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i. Request Nos. 3 and 4 from the March 6th Subpoena directed
10 to Funai Corporation; and

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ii. Request No. 1 from the August 29th Subpoena directed to
12 Funai Corporation;

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14 And that those materials shall be produced with customer names and with
15 supplier names included; and

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c. Funai's production under Paragraph 2(b) of this Order shall be limited to:

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i. Electronic data, using substantially the same data fields as in
18 the sample productions that Funai has already produced to the
19 Indirect Purchaser Plaintiffs, and

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ii. The information linking Funai's purchase data with its sales
21 data (as discussed by the parties).

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24 ENTERED:

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28 Special Master

Dated: April 29, 2009